

REMARKS

Reconsideration of the instant application is respectfully requested. The present amendment is responsive to the Final Office Action of September 7, 2004, in which claims 1-3 and 6-21 and 23 are presently pending. Of those, claims 2, 3, 13, 14, 16, 19-21 and 23 have been withdrawn from consideration as being directed to non-elected species. Of the remaining claims under consideration, claims 1, 9, 10-12 and 15 have been rejected under 35 U.S.C. §112, first paragraph, for failing to comply with the written description requirement, as is more specifically set forth in paragraph 3 of the Final Office Action.

With regard to the art of record, claims 1, 8-10, 15, 17 and 18 are rejected under 35 U.S.C. §102(b), as being anticipated by U.S. Patent 6,013,557 to Wu, et al. In addition, claims 6 and 7 stand rejected under 35 U.S.C. §103(a), as being unpatentable over Wu, in view of U.S. Patent 6,335,262 to Crowder, et al., or in view of U.S. Patent 6,143,669 to Cho. For the following reasons, however, it is respectfully submitted that the application is now in condition for allowance.

Claims 1, 9, 10 and 15 have been amended as indicated above in order to present rejected claims in better form for consideration on appeal, pursuant to 37 CFR 1.116, by overcoming the §112 rejections. More specifically, the claims have been amended so as to recite "depositing an oxide material..." and without reference to the term "oxidizing." Based on a telephone interview between the undersigned and the Examiner on October 19, 2004, it is the Applicants' understanding the Examiner considers "oxidation" and "deposition" to be separate processes. Moreover, claims 1, 9 and 10 have been amended to more correctly recite that a deposited oxide layer has a first thickness and a second thickness (as opposed to first and second oxide layers). The Applicants therefore respectfully request entry of the amendment, as no new issues are raised herein.

Finally, as was previously pointed out, the Wu reference does not teach or disclose that the deposition of an oxide material on a substrate to achieve the first and second thicknesses, as is presently claimed. Instead, each embodiment of the Wu patent utilizes a rapid thermal anneal to oxidize the silicon. See, for example, column 4, lines 23-27; column 5, lines 5-8, lines 24-26, lines 46-48, lines 61-63; column 6, lines 35-37; column 7, lines 30-32. Because Wu does not teach or disclose each and every element of the amended claims, it does not anticipate the same. For the same reasons, the additional §103 rejections to claims 6 and 7 should also be withdrawn.

For the above stated reasons, it is respectfully submitted that the present application is now in condition for allowance. No new matter has been entered and no additional fees are believed to be required. However, if any fees are due with respect to this Amendment, please charge them to Deposit Account No. 06-1130 maintained by Applicants' attorneys.

Respectfully submitted,
S. SUNDAR KUMAR IYER, ET AL

CANTOR COLBURN LLP
Applicants' Attorneys

By



Sean F. Sullivan
Registration No. 38,328
Customer No. 29371

Date: October 20, 2004
Address: 55 Griffin Road South, Bloomfield, CT 06002
Telephone: (860) 286-2929